

ACT No. 2003-271

1 HB56
2 52293-4
3 By Representative Boyd
4 RFD: Education
5 First Read: 04-MAR-03
6 PFD: 02/28/2003

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RECEIVED
JUN 11 2003
GOVERNOR'S
OFFICE

ENROLLED, An Act,

Relating to education; to provide for the self-administration of asthma medication by students attending public or nonpublic schools upon written parental and medical authorization; to provide immunity for school personnel; and in connection therewith to have as its purpose or effect the requirement of a new or increased expenditure of local funds within the meaning of Amendment 621 of the Constitution of Alabama of 1901.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. (a) Each local board of education and the governing body of each nonpublic school in the state shall permit the self-administration of asthma medications by a student if the parent or legal guardian of the student provides all of the following:

(1) Written and signed authorization for the self-administration to the chief executive officer of the school.

(2) Written and signed acknowledgement that the school shall incur no liability and that the parent or legal guardian shall indemnify and hold harmless the school and the employees and agents of the school against any claims that may arise relating to the self-administration of asthma medications.

1 (3) Written medical authorization that includes all
2 of the following:

3 a. The signature of the attending physician, or his
4 or her authorized agent.

5 b. Confirmation that the student has been instructed
6 in the proper self-administration of the asthma medication.

7 c. The name, purpose, and prescribed dosage of the
8 medications to be self-administered.

9 d. The frequency with which the prescribed
10 medications are to be administered.

11 e. Any special instructions or circumstances under
12 which the medications should be administered.

13 f. The length of time for which the medications are
14 prescribed.

15 (b) All documents provided to a school pursuant to
16 subsection (a) shall be kept on file in the office of the
17 school nurse or chief executive officer of the school.

18 (c) The local board of education or the governing
19 body of the nonpublic school shall ~~inform the parent or legal~~
20 ~~incur no liability and is immune from any liability exposure~~
21 ~~created by this act. guardian of the student that neither the~~
22 ~~school, nor the employees or agents of the school, shall incur~~
23 ~~any liability as a result of any injury sustained by the~~
24 ~~student relating to his or her self administration of asthma~~
25 ~~medication.~~

1 (d) Permission for the self-administration of asthma
2 medications shall only be effective for the school year in
3 which permission is granted. Permission for
4 self-administration of asthma medications may be granted in
5 subsequent years provided all requirements of this section are
6 satisfied.

7 (e) Upon obtaining permission to self-administer
8 asthma medications pursuant to this section, a student shall
9 be permitted to possess and self-administer approved asthma
10 medications at any time while on school property or while
11 attending a school-sponsored activity.

12 ~~(f) Nothing in this section shall be construed to~~
13 ~~relieve a school, or the employees or agents of a school, from~~
14 ~~liability for negligence.~~

15 Section 2. Although this bill would have as its
16 purpose or effect the requirement of a new or increased
17 expenditure of local funds, the bill is excluded from further
18 requirements and application under Amendment 621 because the
19 bill requires expenditures only by a school board.

20 Section 3. This act shall become effective July 1,
21 2003, following its passage and approval by the Governor, or
22 its otherwise becoming law.

Art. / Hunt

Speaker of the House of Representatives

Lacy Baxley

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in
and was passed by the House 08-APR-03, as amended.

Greg Pappas
Clerk

Senate

11-JUN-03

Passed

APPROVED 6/18/03
TIME 4:07 PM
B.B. R.L.
GOVERNOR

Alabama Secretary Of State

Act Num....: 2003-271
Bill Num....: H-56

PARENT/LEGAL GUARDIAN ACKNOWLEDGEMENT

STUDENT SELF-ADMINISTRATION OF ASTHMA MEDICATION

FOR SCHOOL USE ONLY

Date received: _____

Approved by: _____

For school year: _____

I hereby affirm that my child _____ is currently enrolled as a student at: _____, and is currently being treated for asthma under the care of a physician.

I also affirm that he/she has been instructed in the proper self-administration of the prescribed asthma by his/her attending physician.

As his/her parent/legal guardian, I understand that the permission for the self-administration of asthma medication(s) shall only be effective for the school year in which the permission is given, and that permission may be granted in subsequent years for my child provided that the required forms are re-submitted each school year.

I understand that upon obtaining permission to self-administer the prescribed asthma medication(s), my child shall be permitted to possess and self-administer the prescribed asthma medication(s) at any time while on school property or while attending a school-sponsored activity.

I also hereby acknowledge that as the parent/legal guardian of _____,

I shall indemnify and hold harmless the school, the agents of the school, and the local board of education against any claims that may arise relating to my child's self-administration of prescribed asthma medication(s).

SIGNATURE of parent/legal guardian

PRINTED name of parent/legal guardian

DATE: _____

MEDICAL AUTHORIZATION
STUDENT SELF-ADMINISTRATION
OF ASTHMA MEDICATION

_____ is currently a patient under my care being treated for asthma.

I hereby affirm that he/she has been instructed in the proper self-administration of the prescribed asthma medication(s) listed below:

Name of medication(s): _____

Prescribed dosage(s): _____

Frequency with which the prescribed medications(s) is/are to be administered: _____

The length of time for which the medication(s) is/are prescribed for: _____

**SPECIAL INSTRUCTIONS OR CIRCUMSTANCES, IF ANY, UNDER WHICH THE MEDICATION(S)
SHOULD BE ADMINISTERED:**

SIGNATURE of attending physician or his/her authorized agent

PRINTED name of attending physician or his/her authorized agent

OFFICE ADDRESS:

DATE: _____

PHONE: (_____) _____